

REMARKS

On October 22, 2008, Applicants filed an Amendment Under 37 C.F.R. 1.312 requesting that claims 1, 10, and 17 be amended to change the term "premise" to "premises." In a paper mailed on November 26, 2008, the requested amendments were disapproved as allegedly raising new issues and changing the scope of the claims. For at least the reasons set forth below, Applicants respectfully request reconsideration of the decision to disapprove the amendments.

In this regard, when the claims are considered as a whole, it becomes apparent that the proposed amendments do not raise new issues and do not change the scope of the claims. In particular, the claims before entry of the requested amendments are referring to a **single** piece of property. In this regard, the claims recite "**a** premise" (emphasis added), and the word "a" is a function word that is used before singular nouns. Further, the term "premises" is generally used to describe a single piece of property even though the word itself is in plural form. Indeed, submitted herewith is a printout of a definition of the term "premises" from Wikipedia, and Wikipedia indicates that "a single piece of property is 'premises', not 'premise', although the word 'premises' is plural in form." The use of the word "premise" in the claims is merely a clerical type of error that was discovered only recently prior to the filing of the Amendment Under 37 C.F.R. 1.312. Applicants submit that the term "a premise" in the pending claims 1, 10, and 17, particularly when such claims are read as a whole, refers to a piece of property, and changing the term "a premise" to "a premises" does not actually change the scope of the claims. To the contrary, the amendments help to clarify the scope of the claims thereby placing the claims in a better form for issuance. Further, the requested amendments are clearly supported by the specification. See Paragraph [0022], line 7.

In addition, it is not believed that the requested amendments affect the allowability of the pending claims or require a new search by the Patent Office. In this regard, referring to claim 1, "a plurality of transceivers" is recited as residing at "a premise." However, the term "a premise" is

not restricted by the claim in any way. Indeed, the “logic” that controls the transmit power of such “transceivers” is not based on whether the transceivers reside at “a premise” but is instead based on whether “the plurality of transceivers are (indicated as being located) at the intermediate terminal.” Thus, the issue for novelty in claim 1 in view of the cited art is not whether the transceivers are “at a premise” but is instead whether the transceivers are at an “intermediate terminal.” In fact, several allowed claims (e.g., claims 18 and 26) do not even recite any form of the word “premise” or the word “premises,” yet these claims were found to be novel during prosecution. The other claims 10 and 17 similarly do not rely on the term “a premise” for novelty in view of the cited art for at least similar reasons.

Accordingly, Applicants respectfully assert that the requested amendments do not affect the scope or the novelty of the pending claims. Applicants also submit that the requested amendments clarify the claim language without requiring a new search or more than a cursory review of the record by the Patent Office.

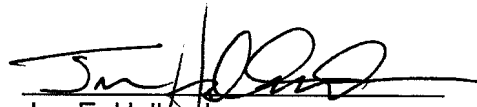
For at least the foregoing reasons, Applicants respectfully request reconsideration of the Amendment Under 37 C.F.R. 1.312 filed on October 22, 2008, and Applicants request that such Amendment be entered.

If the Examiner has any questions or comments regarding this paper, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:

A handwritten signature in black ink, appearing to read "Jon E. Holland", written over a horizontal line.

Jon E. Holland
Reg. No. 41,077

100 Galleria Parkway, N.W.
Suite 1750
Atlanta, Georgia 30339
(256) 704-3900 Ext. 103

Premises

From Wikipedia, the free encyclopedia

For other uses, see Premise

Premises are land and buildings together considered as a property. This usage arose from property owners finding the word in their title deeds, where it originally correctly meant "the aforementioned; what this document is about", from Latin *prae-missus* = "placed before".

Note that a single house or a single other piece of property is "premises", not a "premise", although the word "premises" is plural in form.

Premises liability

Premises liability is the liability for a landowner for certain torts that occur on the real property.

References

See also

- Apartment building
- Parking lot

Retrieved from "<http://en.wikipedia.org/wiki/Premises>"

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